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GROUP 1600

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To:	Group 1638; ATTN: A. Kubelik	From:	Pat Sweeney
Fax:	(703)872-9306	Pages:	4 + cover
Phone:	(703)308-5059	Date:	February 5, 2003
Re:	USSN 10/021,657	CC:	

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Ref No. 1148D

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Marc Albertsen et al.

Art Unit: 1638

Serial No.: 10/021,657

Filed: December 14, 2001

Examiner: A. Kubelik

For: Nucleotide Sequences Mediating
Fertility and Method of Using Same

Confirmation No. 5787

REQUEST TO TRANSFER SEQUENCE LISTING AND REFERENCES;
RESPONSE TO RESTRICTION REQUIREMENTAssistant Commissioner of Patents
US Patent Office

Sir:

The Applicant requests pursuant to 37 C.F.R. §1.821(e) the Patent Office use the previously filed identical electronic sequence listing in the parent application, USSN 09/670,153 filed September 26, 2000. A copy of this sequence listing has already been provided in the original filing of the application December 14, 2001.

Further, the Applicant provides a copy of the Information Disclosure Statement filed in the parent application, USSN 09/403,686 filed September 7, 1999, along with all 1449 forms provided by the Applicant and Examiner in that application, and pursuant to 37 CFR §1.98 (d) requests the Examiner use copies of the references provided in the parent application.

In response to the Restriction requirement, the Applicant elects group I, claims: 1-15, 27-29 and 31, 34 with traverse. The Applicant points out that in the restriction requirement for the parent application, USSN 09/670,153, filed September 26, 2000, the Examiner had restricted claims 1-58 into three groups, with Group I in that restriction including 1-15, 19-22 and 27-34. In the current application, the Applicant has presented the claims of Group I from the parent application. The Examiner has now restricted the

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CERTIFICATE OF MAILING (37 C.F.R. § 1.8(a))

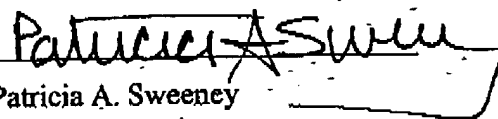
I hereby certify that this document is being deposited with the United States Postal Service by facsimile (703) 872-9306, ATTN: A. Kubelik, U.S. Patent Office, Washington D.C. 20231.

Feb 5 2003
DatePatricia A. Sweeney
Patricia A. Sweeney

claims further, stating that Group I are claims to a nucleic acid, and are restricted from Group II, claims 19-22, 30 and 32, 33, to a method of making seed using the nucleic acids described. Applicant submits the original grouping of the claims in the parent application by the Examiner was correct, and further that the method of Group II claims requires the use of the novel nucleic acid sequences set forth in Group I. For these reasons reconsideration and withdrawal of the Restriction requirement is requested.

The Examiner is invited to contact the attorney listed below with any questions or concerns.

Respectfully submitted,


Patricia A. Sweeney
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Notice of References Cited

Application/Control No.

09/670,153

Applicant(s)/Patent Under
Reexamination
ALBERTSEN ET AL.

Examiner

Anne Kubelik

Art Unit

1638

Page 1 of 1

U.S. PATENT DOCUMENTS

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Name	Classification
	A	US-5,837,850	11-1998	Thakur et al.	438/255
	B	US-5,689,041	11-1997	Mariani et al.	435/320.1
	C	US-5,432,068	07-1995	Albertsen et al.	538/24.1
	D	US-			
	E	US-			
	F	US-			
	G	US-			
	H	US-			
	I	US-			
	J	US-			
	K	US-			
	L	US-			
	M	US-			

FOREIGN PATENT DOCUMENTS

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Country	Name	Classification
	N					
	O					
	P					
	Q					
	R					
	S					
	T					

NON-PATENT DOCUMENTS

*		Include as applicable: Author, Title Date, Publisher, Edition or Volume, Pertinent Pages)				
	U	Donal et al., Mutation of either G box or I box sequence profoundly affects expression from the Arabidopsis rbcS-1A promoter; 1990, The EMBO Journal, Vol. 9, No. 6, pages 1717-1726				
	V	Walbot, Feb. 02, 2000, ACC: A1820207				
	W					
	X					

*A copy of this reference is not being furnished with this Office action. (See MPEP § 707.05(a).)
Dates in MM-YYYY format are publication dates. Classifications may be US or foreign.

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INFORMATION DISCLOSURE CITATION

(Use several sheets if necessary)

ATTY. DOCKET NO.

1148

Application No.
09/670,153

Applicant

Albertsen et al.

Filing Date

September 26, 2000

Group Art Unit
1638EXAMINER
INITIAL

DOCUMENT NUMBER

DATE

U.S. PATENT DOCUMENTS

NAME

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SUBCLASS

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FOREIGN PATENT DOCUMENTS

COUNTRY

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SUBCLASS

Translation

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No

OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)

Rebers, J. (1999) *Insect Biochem Mol* 29:293-302Vrati et al. (1996) *Virology* 220:186-199Millar, J.K. et al (2001) *Molecular Psychiatry* 6:173-178Aranda-Agustin et al. (1998) *Nucleic Acids Res* 26:4588-4596

Sasaki, T. et al. GenBank ACC AP003373 (submitted March 7, 2001; replaced August 28, 2002)

EXAMINER

DATE CONSIDERED

11/21/02

EXAMINER: Initial if citation considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include a copy of this form with next communication to applicant.

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